

## **§ 90.207**

product shall be the equivalent concentration as measured with an MRE instrument.

### **§ 90.207 Compliance sampling.**

(a) The operator shall take five valid respirable dust samples for each part 90 miner within 15 calendar days after:

(1) The 20-day period specified for each part 90 miner in §90.100 (Respirable dust standard);

(2) Receipt of notification from MSHA that any respirable dust sample taken in accordance with §90.208 (Bimonthly sampling) exceeds 1.0 milligram per cubic meter of air or the respirable dust standard established by §90.101 (Respirable dust standard when quartz is present); and

(3) Implementing any transfer after the twentieth calendar day following receipt of notification from MSHA that a part 90 miner is employed at the mine.

### **§ 90.208 Bimonthly sampling.**

(a) Each operator shall take one valid respirable dust sample for each part 90 miner during each bimonthly period beginning with the bimonthly period of February 1, 1981. The bimonthly periods are:

February 1–March 31

April 1–May 31

June 1–July 31

August 1–September 30

October 1–November 30

December 1–January 31.

(b) When the respirable dust standard is changed in accordance with §90.101 (Respirable dust standard when quartz is present), respirable dust sampling of part 90 miners shall begin on the first shift on which the miner is performing normal work duties during the next bimonthly period following notification of such change from MSHA.

(c) Upon issuance of a citation for a violation of §90.100 (Respirable dust standard) or §90.101 (Respirable dust standard when quartz is present), paragraphs (a) and (b) of this section shall not apply to that part 90 miner until the violation is abated in accordance with §90.201(d) (Sampling; general requirements).

## **30 CFR Ch. I (7–1–14 Edition)**

### **§ 90.209 Respirable dust samples; transmission by operator.**

(a) The operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part in containers provided by the manufacturer of the filter cassette to: Respirable Dust Processing Laboratory, Pittsburgh Safety and Health Technology Center, Cochran Mill Road, Building 38, P.O. Box 18179, Pittsburgh, Pennsylvania 15236-0179, or to any other address designated by the District Manager.

(b) The operator shall not open or tamper with the seal of any filter cassette or alter the weight of any filter cassette before or after it is used to fulfill the requirements of this part.

(c) A person certified in accordance with §90.202 (Certified person; sampling) shall properly complete the dust data card that is provided by the manufacturer for each filter cassette. The card shall have an identification number identical to that on the cassette used to take the sample and be submitted to MSHA with the sample. Each card shall be signed by the certified person and shall include that person's certification number. Respirable dust samples with data cards not properly completed will be voided by MSHA.

(d) All respirable dust samples collected by the operator shall be considered taken to fulfill the sampling requirements of part 70, 71 or 90 of this title, unless the sample has been identified in writing by the operator to the District Manager, prior to the intended sampling shift, as a sample to be used for purposes other than required by part 70, 71 or 90 of this title.

(e) Respirable dust samples received by MSHA in excess of those required by this part shall be considered invalid samples.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*))

[45 FR 80769, Dec. 5, 1980, as amended at 58 FR 63529, Dec. 2, 1993; 60 FR 33723, June 29, 1995; 60 FR 35696, July 11, 1995]

### **§ 90.210 Respirable dust samples; report to operator.**

(a) The Secretary shall provide the operator with a report of the following